

### REMARKS/ARGUMENTS

Applicant wishes to thank the Examiner for the time and courtesy shown Applicant's representative during the recent series of telephone conferences regarding potential Supplemental Amendment to the Application.

Turning to the Office Action, claim 3 is objected to. Claims 1, 2, 6-9, 13, 16, 17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose. Claims 3-5, 12, 15 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose and further in view of Fitzpatrick et al. Claims 4, 10, 14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose and further in view of Smith. Applicant notes with appreciation that claim 11 is indicated to be allowed.

In response to the objection of claim 13, claim 13 has been amended as suggested by Examiner. Applicant notes that this is an Amendment of form over substance to emphasize that although as visually displayed on the screen the operation of one icon is performed on the second icon, the operation does in fact occur at the second icon as well.

Turning to the substantive objections, claims 1, 2, 6-9, 13, 16, 17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose. With respect to claims 1 and 17, Bates is considered to teach an information processing apparatus having a pointing device, a displaying unit for displaying icons, and a detection unit for detecting a predetermined operation performed on a first icon which is dragged to the second icon and moved when positioned at the second icon. The Office Action concedes that Bates does not teach a condition update unit changing a processing condition represented by the second icon to be performed on the first icon. However, Hirose is relied upon to teach the shortcoming. Hirose is relied upon as teaching an information processing apparatus wherein a condition update unit changes a processing condition of the information processing, represented by the second iconic menu, to be performed on the first icon based on the detection of the operation performed on the first icon. Applicants respectfully traverse the rejection.

First, Applicant notes that claims 1 and 17 have been amended to better define the invention. And in particular to define an information processing apparatus having a detection unit which detects a type of movement performed on the first icon which has been dragged to the second icon and moved when positioned at the second icon and a condition update unit which changes the processing condition represented by the second icon based upon detection of the type of movement performed on the first icon. Applicant submits that this is a novel difference in both structure and operation which provides a benefit as compared to the prior art, which does not teach or even suggest changing of the operation in response to the operation/movement at the second icon.

Bates in general, in the specific section relied upon in the Office Action, teaches dragging the first icon to a second icon region to control the function of the second icon. In effect, there is a second and third icon at the second icon location in Bates, so that dropping of the first icon in this particular region controls the change of function. It is not the type of motion expressed by the first icon which causes any change. In effect, the user is choosing between two distinct icons which do not change. At the dropping in Bates, all motion has stopped and there is no motion to detect. It is in fact the ending of the motion function in a prescribed area. This is not the claimed invention or even equivalent to the claimed invention as now defined in claims 1 and 17 which detects movement of the first icon relative to the second icon at the second icon in order to change the function of the second icon from amongst several functions.

The reliance on Hirose does not overcome these shortcomings. In the first instance, Hirose does not detect the motion at the second icon. It detects the motion of the drag of the first icon. In other words, Hirose detects any motion of the first icon no matter where occurring. This is not the claimed invention which detects the motion at the second icon. As a result, Hirose has shortcomings which do not make it as flexible as the claimed invention. In Hirose, because the function changes at detection of the drag, the function of the second icon is not in reality changed in response to the movement of the first icon, but rather the attribute of the icon being moved. For example, if a read-only document is being moved, then the shredder, clock and edit functions would disappear as second icons, but a print function would remain. Or, one of the shredder, clock and edit functions would convert into a print function upon the instant dragging of the first

icon occurred. However, if the document being represented by the first icon has all attributes of a document, and is capable of being destroyed or edited, then upon movement of the first icon, only the clock icon would disappear or change; the shredder, editing and printing icons all remain in this instance. Accordingly, Hirose is not changing function based upon detection of an operation/movement at the second icon, but rather is detecting the attributes of the first icon once it has started the drag function. As a result, the ability to select amongst functions at the second icon is gone, because the icons have already been changed in a predetermined manner once the first icon has been selected.

Neither of the prior art references teach detecting an operation of the first icon at the second icon to change the function of the second icon to be performed on the first icon. Even if combined, the resulting apparatus would be a changing of one of the plurality of icons at the icon region in Bates by the actual selection and movement of the first icon towards the second icon. This is not the claimed invention. Accordingly, Applicants respectfully submit the withdrawal of the rejection of claims 1, 13 and 17 under 35 U.S.C. §103(a).

Prior to going further, Applicant notes that the Examiner had suggested that the current claims were not allowable and were in fact overly broad to capture the prior art and did not correspond to the specific examples in the specification. However, Applicant submits that the claim language need not be limited to the specific examples taught in the specification. Rather, they should be drafted as broadly as possible to capture the disclosed invention and its equivalents. To do otherwise would negate the doctrine of equivalents and overly limit the protection to which Applicant is entitled. Applicant believes that the claims as now amended which detect the movement of the first icon relative to the second icon in order to change the function of the second icon is supported by the application in its present form.

Claim 2 and 6-9 depend from claim 1 and define the invention with greater particularity. Specifically, claim 2 defines the detection unit as detecting the movement in a predetermined direction. In neither reference, as discussed above, is a determination made to change the function by movement at the second icon. Rather, in Bates there is no determination made at all with respect to the dropping, because the dropping is at a steady state icon. In Hirose there is no

decision made at the second icon because the operation change of the function happens immediately upon initial movement of the first icon. While the Office Action considers Bates to teach that the detection unit detects movement of the first icon in a predetermined direction in the vicinity of the second icon, this is an irrelevant teaching in Bates. The direction of movement in Bates is irrelevant as long as the first icon arrives in the vicinity of region 154, 152, both of which are static, i.e. do not change based on any movement or dropping. There is no teaching in column 7 or 8 of detecting the direction of movement in Bates. Only that icon 114 be deselected, i.e. dropped in the region of the printer icon 150. Bates is drop-based, not drag-based or movement detection technology. In any event, there is no changing of the icon as a result of any movement.

Like claim 2, claim 6 depends from claim 1 and defines Applicant's invention with greater particularity. Claim 6 defines displaying the processing condition associated with the second icon in the vicinity of the second icon. Claim 7 depends from claim 1 and defines the processing execution unit for executing the processing based on the processing condition which is either changed or unchanged by the condition update unit. Claim 8 depends from claim 1 and defines the second icon includes a group of icons associated with the processing condition, while claim 9 depends from claim 8 and further defines that at least one of the first icon, second icon and group of icons is preliminarily associated with the processing condition. However, what is emphasized here is that because claim 8 is a group of icons, at least one of the icons in the group of icons will change in accordance with the performance of the structure of claim 1. There is no such change in Bates, nor is any change in Hirose related to movement at the second icon as discussed in greater detail above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 2 and 6-9 under 35 U.S.C. §103(a).

Claim 16 depends from claim 13 and also defines that the second icon includes a group of icons associated with the processing condition, further defining a novel structure for changing the processing condition of the underlying second icon. Accordingly, Applicant submits that claim 16 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 13. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 16 under 35 U.S.C. §103(a).

Claim 20 depends from claim 17, and like claims 8 and 15 defines Applicant's invention with greater particularity, specifically defining the second icon as including a group of icons associated with the processing condition. For the reasons discussed above in connection with claims 8 and 17, Applicant submits that claim 20 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 17 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 3-5, 12, 15 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose and Fitzpatrick. Applicant respectfully traverses the rejection.

The Office Action concedes that neither Bates nor Hirose, either taken separately or in combination, teach a detection unit which detects the stop of the first icon for a predetermined time in the vicinity of the second icon while the first icon is being dragged. To overcome this shortcoming, they rely upon Fitzpatrick to show a detection of an icon that is stopped in the vicinity of another icon while the first icon is being dragged. However, Applicant submits that nothing in Fitzpatrick overcomes the shortcomings of Bates and Hirose discussed above.

Fitzpatrick does not teach changing a processing condition of the information processing to be performed on the first icon based upon the detection of a type of movement performed on the first icon, such as stopping, as in the dependent claims, performed on the first icon. Rather, Fitzpatrick teaches away from such operation by requiring a two-step approach in order to change the parameters (condition) of the information processing. Rather than change the processing condition in response to detection of the operation performed on the first icon, Fitzpatrick, after detection of the stopped icon, gives the operator the option of changing the parameters or maintaining the default parameters. Column 4, lines 18-19 clearly teach that the default value to the drop operation can be overridden. If it is detected in Fitzpatrick that a dragged first icon has been in the vicinity of the second operating icon and then dropped, a dialog box 39 is displayed to provide a list of available parameters to allow the user to quickly edit the values of the desired parameters.

There is nothing in Fitzpatrick that teaches the claimed invention of claims 3, 5, 12, 15 and 19.

Specifically, claim 3 depends from claim 1 and defines one of the detected operations as stopping of the motion for a predetermined time. Claim 5 defines that the display changes the display form of the second icon in accordance with set processing conditions. Claim 12 and 15 define that with a group of icons, the display unit changes the display form of at least one of the icons in the group of icons according to the set processing condition. These features are not taught by any of Fitzpatrick, Bates or Hirose, either taken separately or in combination.

Accordingly, Applicant submits that claims 3, 5, 12 and 15 are allowable as defining patentable combinations in their right as well as depending from allowable claims 1 and 13 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claim 19, depends from claim 17 and like claim 5 further defines the invention as changing the display form of the second icon according to a set processing condition upon detection of the type movement, namely stopping for a predetermined time, performed on the first icon. This is a feature not taught by Fitzpatrick or any of the other relied upon references either taken separately or in combination. Accordingly, Applicant submits that claim 19 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 17 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 4, 10, 14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Hirose and Smith. Applicant respectfully traverses the rejection.

The Office Action concedes that Bates and Hirose do not specifically teach the display unit displaying the second icon as a group of icons associated with the processing condition when the detection unit detects the predetermined operation.

Smith is relied upon to overcome this shortcoming and is considered in the Office Action to have a display unit which displays the second icon as a group of icons associated with the processing condition when the detection unit detects the predetermined operation. Accordingly, Applicant submits that Smith does not overcome the shortcomings of Hirose and Bates. Smith teaches that one single icon can represent a plurality of icons representative of a variety of operations, not that the processing conditions themselves of each such operation be performed on a first icon is to be changed by detected movement of the first icon at the second icon. This is the same

deficiency of Bates and Hirose.

Claims 4 and 10 depend from claim 1 and define Applicant's invention with greater particularity. Specifically, claim 4 defines that the display unit displays the second icon as a group of icons associated with the processing condition which is to be changed. Claim 10 indirectly depends from claim 1 and defines a combination of a plurality of processing conditions being set for each icon of the group of icons; something not taught in Bates or Hirose as discussed above.

Accordingly, Applicant submits that claims 4 and 10 are allowable not only as defining a patentable combination in their own right, but also as depending from allowable claim 1 and respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a).

Claim 14 depends from claim 13 and defines Applicant's invention with greater particularity. Specifically, claim 14, like claim 4, teaches the further step in a method of displaying the second icon on the display as a group of icons associated with the processing condition when the type of movement is performed. As discussed above, Applicant submits that such a novel function is not taught by the prior art and Applicant respectfully submits that claim 14 is allowable as defining a patentable combination in its own right as well as depending from allowable claim 13. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Claim 18 depends from claim 17, and like claims 4 and 14 also defines that the information processing method includes the step of displaying the second icon on the display unit as a group of icons associated with the processing condition when the predetermined operation is detected. Applicant submits that claim 18 is also allowable as defining a patentable combination in its own right as well as depending from allowable claim 17 and respectfully requests the withdrawal of the rejection under 35 U.S.C. §103(a).

Applicant notes that the Office Action asserts that in the previous amendment Applicant was arguing beyond the scope of the claims, in particular that the invention operates in response to movement at the target icon. Applicant believes that the claims have now been amended to coincide with the arguments for allowability and submit that nothing in the prior art utilizes detection of an operation, such as the motion of the first icon relative to the second icon to trigger changes in the operating parameters of the second icon to be performed on the first icon.

Applicant has made a diligent effort to place the application in condition for allowance. If the Examiner is unable to issue an immediate Notice of Allowance, he is respectfully requested to telephone the undersigned attorney with a view towards discussing the outstanding issues.

Applicant believes that no fees are due with this response. However, if it is determined that any fees are due, the Examiner is authorized to charge our Deposit Account No. 04-1105, under Order No. 49570 (70551) from which the undersigned is authorized to draw.

Dated: July 10, 2003

Respectfully submitted,

By 

Customer No. 21874

Howard M. Gitten  
Registration No. 32,138  
EDWARDS & ANGELL, LLP

(954) 667-6130 (direct tel)  
(954) 727-2600 (main tel)  
(954) 727-2601 (fax)